

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARC ELEFANT,
SADY RIBIERO, and
ADRIAN ALEXANDER,

**Consent
Order of Restitution**

21 Cr. 530 (SHS)

Defendants.

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Alexandra Rothman, Nicholas Folly, Danielle Kudla, and Nicholas Chiuchiolo, Assistant United States Attorneys, of counsel; the presentence investigation reports; the defendants' convictions; and all other proceedings in this case; and with the consent of the defendants, Marc Elefant, Sady Ribeiro, and Adrian Alexander, through their attorneys, it is hereby ORDERED that:

1. Amount of Restitution

Collectively, the defendants shall pay restitution in the total amount of \$14,830,955, subject to the further limitations provided for in this order, *see ¶ 1.B*, pursuant to 18 U.S.C. § 3663A, to the victims of the offenses charged. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several among the defendants in this case and with the following other defendants: *Peter Kalkanis, Kerry Gordon, Robert Locust, and Ryan Rainford*, 18 Cr. 289

(SHS); and *Reginald Dewitt*, 17 Cr. 633 (VEC). The defendants' liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or every victim set forth in this Order and in Schedule A, attached hereto, has recovered the total amount of its loss.

B. Apportionment Among Defendants

Pursuant to 18 U.S.C. § 3664(h), the Court has apportioned liability among the defendants to reflect the level of contribution to the victims' losses and the economic circumstances of each defendant. Each defendant's apportioned liability for restitution is as follows:

| | |
|------------------------------|--------------------|
| (1) Marc Elefant: | \$1,486,000 |
| (2) Sady Ribeiro: | \$3,808,133 |
| (3) Adrian Alexander: | \$3,808,133 |

2. Defendants' Joint and Individual Liability and Apportionment Among Victims

Restitution shall be paid to the victims as set forth in Schedule A on a percentage basis. Defendants are jointly and severally liable for restitution, in apportioned shares of liability, to each victim as set forth in Schedule A.

3. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendants, including whether any of these assets are jointly controlled; projected earnings and other income of the defendants; and any financial obligations of the defendants; including obligations to dependents, the defendants shall pay restitution in the manner and according to the schedule that follows:

A. In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendants will commence monthly installment payments of at least ten percent (10%) of the defendant's gross income, payable on the 15th of each month, immediately upon entry of this judgment.

B. While serving the term of imprisonment, the defendants shall make installment payments toward restitution of no greater than \$25.00 per month, and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in installments of at least ten percent (10%) percent of the defendant's gross income on the 15th of each month.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

C. Pursuant to 28 U.S.C. § 2044 and 18 U.S.C. § 3611, the Court shall order any money belonging to and deposited by a defendant with the Clerk of Court for the purposes of a criminal appearance bail bond to be applied to the payment of restitution.

3. Payment Instructions

The defendants shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his name and the docket number of this case on each check or money order.

4. Change in Circumstances

Each defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

A defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

Dated: New York, New York
June 26, 2023

SO ORDERED:



Sidney H. Stein, U.S.D.J.

SCHEDULE A

| <u>Victim</u> | <u>Total Losses</u> | <u>Pro-Rata Share</u> | <u>Defendant's Liability for Each Victim</u> | <u>Marc Elefant - 2</u> | <u>Sady Ribeiro - 4</u> | <u>Adrian Alexander -5</u> |
|-------------------------|---------------------|-----------------------|--|-------------------------|-------------------------|----------------------------|
| AIG | \$987,799 | 6.66% | | — | \$109,281 | \$513,843 |
| AmTrust | \$1,129,500 | 7.62% | | \$131,776 | \$294,107 | \$241,108 |
| Chubb | \$380,250 | 2.56% | | — | — | \$197,802 |
| CNI | \$147,950 | 1.00% | | \$29,274 | \$67,619 | — |
| CNA Insurance | \$145,800 | 0.98% | | — | \$66,637 | \$75,844 |
| Diamond State | \$54,000 | 0.36% | | — | \$24,680 | \$28,090 |
| Gallagher Bassett | \$503,100 | 3.39% | | \$38,286 | \$61,701 | \$161,051 |
| Hanover | \$311,040 | 2.10% | | \$13,356 | \$76,097 | \$126,687 |
| Hartford | \$585,000 | 3.94% | | \$115,749 | \$150,138 | — |
| Home Depot | \$21,600 | 0.15% | | \$4,274 | — | — |
| Hortica Florists Mutual | \$4,500 | 0.03% | | \$890 | — | — |
| IAT | \$437,250 | 2.95% | | \$57,132 | \$12,340 | \$77,248 |
| Liberty | \$1,434,441 | 9.67% | | \$130,885 | \$439,647 | \$402,076 |
| Merchants | \$72,000 | 0.49% | | — | — | \$37,454 |
| Nationwide | \$3,733,875 | 25.16% | | \$604,566 | \$1,195,451 | \$352,884 |
| Nautilus | \$245,250 | 1.65% | | — | — | \$127,577 |
| Penn Star | \$270,000 | 1.82% | | \$53,423 | — | — |
| QBE | \$54,000 | 0.36% | | \$10,685 | — | — |
| Rite Aid | \$74,250 | 0.50% | | \$14,691 | — | — |
| Sentry | \$126,000 | 0.85% | | \$24,931 | — | — |
| State Farm | \$76,500 | 0.50% | | \$15,136 | \$34,964 | — |
| Travelers | \$451,479 | 3.04% | | \$60,011 | \$48,185 | \$77,081 |
| U.S. Liability | \$240,300 | 1.62% | | — | — | \$125,002 |
| Utica | \$999,000 | 6.74% | | \$27,602 | \$433,961 | \$447,103 |
| Western World | \$108,000 | 0.73% | | \$21,369 | — | — |
| Zurich | \$2,238,071 | 15.09% | | \$131,964 | \$793,323 | \$817,283 |
| Total | \$14,830,955 | | | \$1,486,000 | \$3,808,133 | \$3,808,133 |